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MINISTRY OF LAW (Legislative Department)

New Delhi, the 9th October, 1963/Asvina 17, 1885 (Saka)

The following Act of Parliament received the assent of the President on the 8th October, 1963, and is hereby published for general information:—

THE PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

No. 37 OF 1963

[8th October, 1963]

An Act to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Personal Injuries (Compensation Insurance) Act, 1963.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may by notification appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

(a) “employer” includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another

Definitions.

person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person;

(b) the "Fund" means the Personal Injuries (Compensation Insurance) Fund constituted under section 13;

(c) "gainfully occupied person" and "personal injury" have the meanings respectively assigned to those expressions in the Personal Injuries (Emergency Provisions) Act, 1962;

59 of 1962

(d) "notification" means a notification published in the Official Gazette;

(e) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time the injury was sustained, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in any employment which he was capable of undertaking at that time:

Provided that permanent partial disablement shall be deemed to result from every injury, or from any combination of injuries, specified in the Schedule, where the percentage, or the aggregate percentage, of disability as specified in the Schedule against such injury, or combination of injuries amounts to less than one hundred per cent.;

(f) "period of the emergency" means the period beginning with 26th October, 1962, the date on which the Proclamation of Emergency under clause (1) of article 352 of the Constitution was issued, and ending with such date as the Central Government may by notification declare to be the date on which the emergency shall come to an end;

(g) "prescribed" means prescribed by rules made under section 22;

(h) "total disablement" means such disablement whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time the injury was sustained.

Provided that permanent total disablement shall be deemed to result from every injury, or from any combination of injuries, specified in the Schedule, where the percentage, or the aggregate percentage, of disability as specified in the Schedule against such injury, or combination of injuries, amounts to one hundred per cent. or more;

(i) the "Scheme" means the Personal Injuries (Compensation Insurance) Scheme referred to in sub-section (1) of section 8;

8 of 1913.

(j) "wages" means wages as defined in the Workmen's Compensation Act, 1923, and "monthly wages" has the meaning assigned to that expression by section 5 of the Workmen's Compensation Act, 1923, and shall be calculated for the purposes of this Act in the manner laid down in that section;

(k) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is employed in any of the employments specified in section 3.

CHAPTER II

COMPENSATION PAYABLE UNDER THE ACT

3. The workmen to whom this Act applies are—

Workmen to whom the Act applies.

(a) workmen employed in any employment or class of employment which is, or has been declared to be, an essential service under rule 126AA of the Defence of India Rules, 1962;

63 of 1948.

(b) the workmen employed in any factory as defined in clause (m) of section 2 of the Factories Act, 1948;

35 of 1952.

(c) workmen employed in any mine within the meaning of the Mines Act, 1952;

(d) workmen employed in any major port;

69 of 1951.

(e) workmen employed in any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;

(f) workmen employed in any employment specified in this behalf by the Central Government by notification.

4. (1) There shall, subject to such conditions as may be specified in the Scheme, be payable by an employer in respect of personal injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the Personal Injuries (Emergency Provisions) Act, 1962, of the amount and kind provided by section 7:

Compensation payable under the Act, by whom and how payable.

59 of 1962.

Provided that where an employer has taken out a policy of insurance, as required by sub-section (1) of section 9, and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme or where by the provisions of sub-section (1) of section 9 or of sub-section (2) of section 10 the employer is not required to insure, the

Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section.

(2) The compensation payable under this Act shall be payable in accordance with the provisions made in this behalf in the Scheme.

(3) This section shall be binding on the Government.

Limitation
on right to
receive com-
pensation
otherwise
than under
this Act and
Act 59 of
1962.

5. Where any person has a right apart from the provisions of this Act and of the Personal Injuries (Emergency Provisions) Act, 1962, to receive compensation (whether in the form of gratuity, pension, compassionate payment or otherwise) or damages from an employer in respect of a personal injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

Special
provisions in
relation to
employees of
Government.

6. Where any person in the employ of Government has under the rules regulating the conditions of his service a right apart from the provisions of this Act or of the Personal Injuries (Emergency Provisions) Act, 1962, to receive any sum, whether as extraordinary pension, gratuity, compassionate payment or damages, from the Government in respect of a personal injury in respect of which compensation is payable under this Act, then, notwithstanding anything contained in this Act or the Personal Injuries (Emergency Provisions) Act, 1962, that person shall have the right to receive the sum admissible under those rules and if the sum so admissible is less than the amount payable as compensation under this Act and the Personal Injuries (Emergency Provisions) Act, 1962, then, he shall have a further right to receive an amount equal to the difference between the sum admissible under those rules and the amount of compensation payable under this Act.

59 of 1962.

Amount of
compensa-
tion.

7. (1) The compensation payable under this Act shall be as follows:—

(a) where death results from the injury, the amount payable in a like case under the Workmen's Compensation Act, 1923, reduced by the value in lump sum of the amount payable under the Personal Injuries (Emergency Provisions) Act, 1962;

8 of 1923.

59 of 1962.

(b) where permanent total disablement results from the injury, the amount payable in a like case under the Workmen's Compensation Act, 1923, reduced by the value in lump sum of the amount payable under the Personal Injuries (Emergency Provisions) Act, 1962;

(c) where permanent partial disablement results from the injury—

(i) in the case of an injury specified in the Schedule—such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement;

(ii) in the case of an injury not specified in the Schedule—the percentage of such compensation specified in the Schedule for disablement held by a competent medical authority acting under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962, to be of corresponding degree;

(iii) where more injuries than one are sustained—the aggregate of the compensation payable in respect of those injuries, so however as not to exceed in any case the compensation which would have been payable if permanent total disability had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury, the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923, reduced in each case, so long as he receives any payment under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962, by the amount payable under the said Scheme.

(2) Where the monthly wages of a workman are more than five hundred rupees, the compensation payable under this Act shall be the amount payable under the provisions of sub-section (1) in the case of a workman whose monthly wages are more than four hundred rupees.

CHAPTER III

PERSONAL INJURIES (COMPENSATION INSURANCE) SCHEME

8. (1) The Central Government shall, by notification, put into operation a Scheme to be called the Personal Injuries (Compensation Insurance) Scheme whereby provision is made for all matters necessary to give effect to the purposes of this Act and whereby the Central Government undertakes, in relation to employers of workmen to whom this Act applies, the liabilities of insuring such employers against liabilities incurred by them to workmen under this Act and the Scheme.

(2) The Scheme shall secure that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued in the prescribed form by a person acting on behalf of the Central Government.

(3) The Scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(4) The Scheme may be amended at any time by the Central Government.

(5) Without prejudice to the generality of the provisions of subsection (1), the Scheme may—

(a) make provisions regulating the payment of the compensation payable under this Act and the Scheme, including provisions for punishment by fine not exceeding two thousand rupees for the contravention of any requirement of the Scheme;

(b) make provisions specifying the persons to whom and the proportions and manner in which payments under this Act shall be made;

(c) make provisions for determining the value in lump sum of the amount payable under the Personal Injuries (Emergency Provisions) Act, 1962;

59 of 1962.

(d) specify conditions or circumstances which will disentitle a workman to the compensation payable under this Act, and make it an express or implied condition of any policy of insurance issued under the Scheme that the payment of compensation in defiance of such specification is not covered by the policy;

(e) specify the conditions or circumstances under which the compensation payable to a workman may be withheld, cancelled, reduced or reviewed if the award made under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962, is withheld, cancelled, reduced or reviewed;

(f) provide for cases in which an employer has of his own accord undertaken a part or the whole of the liability imposed by this Act;

(g) provide for the final assessment of the total premium due on a policy of insurance under the Scheme either as the equivalent of all advance payments of premium already made by an employer, or as a percentage of the total wages bills of an employer for the periods with reference to which the amount of any

advance payments made by him was fixed or as a percentage of the total wages bill of an employer for a period of not less than twelve or more than fifteen months immediately preceding the expiry of the period of the emergency, and for the assessment of the total premium due on a policy which has ceased to be in force before the expiry of the period of the emergency owing to the employer having gone out of business;

(h) provide for the recovery from an employer of the total premium due on a policy of insurance including provision for its recovery by periodic advance payments of an amount based on a percentage of his total wages bill for any prescribed period, the separate funding of the payments so made by each employer, and the eventual adjustment of the total premium as finally assessed against the total of such periodic payments:

Provided that where the amount of the periodic payment based on the total wages bill of the prescribed period is less than eight rupees, it shall be increased to eight rupees:

Provided further that the first of such periodic payments shall, subject to the aforesaid minimum of eight rupees, be at such rate as the Central Government may specify in this behalf:

Provided further that such periodic payments shall not be more frequent than once in each quarter of a year:

Provided further that the rate of any periodic payment after the first shall, subject to the aforesaid minimum of eight rupees, be such as the Central Government may, after considering its liabilities under this Act, fix from time to time, and the Central Government may, where the total amount in the Fund so requires, either waive or postpone any periodic payment.

9. (1) Every employer of workmen to whom this Act applies or is subsequently made applicable, except an employer whose total wages bill for any quarter after the commencement of this Act has never exceeded fifteen hundred rupees, shall, before such date as may be prescribed, or before the expiry of such period as may be prescribed after his having first become such an employer, take out a policy of insurance issued in accordance with the Scheme, whereby he is insured until the expiry of the period of the emergency or until the date, if any, prior to the expiry of the period of the emergency at which he ceases to be an employer to whom this section applies, against all liabilities imposed on him by this Act. Compulsory insurance.

(2) Whoever contravenes the provisions of sub-section (1) or, having taken out a policy of insurance as required by that sub-section,

fails to make any payment by way of premium thereon which is subsequently due from him in accordance with the provisions of the Scheme, shall be punishable with fine which may extend to two thousand rupees and shall also be punishable with a further fine which may extend to one thousand rupees for every day after having been so convicted on which the contravention or failure continues.

(3) This section shall not bind the Government.

Principals
and
contractors.

10. (1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal (either such other person being in this section referred to as the contractor) the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 11 with whom he intends to insure, and shall report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act in respect of workmen employed by him whose services are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by fine not exceeding two thousand rupees for the contravention of any requirement of the Scheme.

Employ-
ment of
agents by
the Central
Govern-
ment.

11. The Central Government may by notification employ or authorise the employment of any person to act as its agent for any of the purposes of this Act and to pay to the person so employed such remuneration as it may think fit.

12. (1) After the date on which the Scheme is put into operation, no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on the business of insuring employers in India against the liabilities for insurance against which the Scheme provides.

Prohibition of certain insurance business.

(2) Nothing in sub-section (1) applies to any policy of insurance entered into before the date on which the Scheme is put into operation and current after that date or to any policy of insurance covering liabilities undertaken in excess of the liabilities imposed by this Act.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

13. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, transfer in each financial year to a fund to be called the Personal Injuries (Compensation Insurance) Fund (hereinafter referred to as the "Fund") such sums, as may be considered necessary, not exceeding the sums received by the Central Government by way of insurance premiums under the Scheme, or by way of payments made on composition of offences under section 18 or by way of expenses or compensation awarded by a court under section 545 of the Code of Criminal Procedure, 1898, out of any fine imposed in any prosecution under this Act or by way of penalties imposed under the Scheme.

Personal Injuries (Compensation Insurance) Fund.

5 of 1898.

(2) There shall be paid from out of the Fund all sums required for the discharge by the Central Government of any of its liabilities under this Act or the Scheme or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme or for the payment by the Central Government of the cost of administering the Scheme:

Provided that no payment from the Fund shall be made in discharge of any liability of the Government to pay compensation to workmen employed by it.

(3) If at any time when a payment is to be made out of the Fund, the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall, after due appropriation made by Parliament by law, be paid into the Fund as an advance out of the Consolidated Fund of India.

(4) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be disposed of in such manner as the Central Government may think fit.

(5) The Central Government shall prepare in such form and manner as may be prescribed and shall publish either annually or at such shorter intervals as may be specified therein, an account of all sums received into and paid out of the Fund.

CHAPTER IV

MISCELLANEOUS

Power of
Central
Government
to obtain
information.

14. (1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether the requirements of this Act and of the Scheme have been complied with, require any employer to submit to him such accounts, books or other documents or to furnish to him such information or to give such certificates as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever in purporting to comply with his obligations under this section knowingly or recklessly makes a statement false in a material particular shall be punishable with fine which may extend to one thousand rupees.

Recovery of
premium
unpaid.

15. (1) Without prejudice to the provisions of sub-section (2) of section 9, where any person has failed to insure as or to the full amount required by this Act and the Scheme and has thereby evaded the payment by way of premium of any money which he would have had to pay in accordance with the provisions of the Scheme but for such failure, an officer authorised in this behalf by the Central Government, may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any sum payable in accordance with the provisions of the Scheme by way of premium on a policy of insurance issued under the Scheme and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land-revenue,

(3) Any person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

16. Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section, has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land-revenue for payment into the Fund.

Payment of compensation where an employer has failed to insure.

17. No prosecution for any offence punishable under this Act shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

Limitation of prosecutions.

18. Any offence punishable under sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

Composition of offences.

19. Where any offence against this Act is tried by a Presidency Magistrate or a magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, the magistrate trying the offence may pass any sentence authorised by this Act.

Power of magistrate to impose any sentence.

20. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Bar of legal proceedings.

(2) No suit shall be maintainable in any civil court against the Central Government or a person acting as its agent under section 11 for the refund of any money paid or purporting to have been paid by way of premium on a policy of insurance taken out or purporting to have been taken out under this Act.

Power to
exempt
employers.

21. The Central Government shall exempt any employer from the provisions of this Act on the employer's request, if satisfied that he has before the commencement of this Act entered into a contract with insurers substantially covering the liabilities imposed on him by this Act, for so long as that contract continues.

Power to
make rules.

22. (1) The Central Government may by notification make rules to carry into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may prescribe—

(a) the principles to be followed in ascertaining the total wages bill of an employer, including provision for the exclusion therefrom of certain categories of wages or of certain elements included in the definition of wages;

(b) the form of the policies of insurance referred to in sub-section (2) of section 8;

(c) the period referred to in clause (g) of sub-section (5) of section 8;

(d) the date and the period referred to in sub-section (1) of section 9;

(e) the form of and the manner of preparing and publishing the account referred to in sub-section (5) of section 13;

(f) the periods referred to in sub-section (3) of section 15;

(g) any other matter which has to be or may be prescribed.

Power to
remove
difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act, and in particular, if any doubt arises as to whether any compensation is payable under this Act or as to the amount thereof the Central Government may, by order, make such provision or give such direction, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the doubt or difficulty; and the decision of the Central Government, in such cases, shall be final.

Scheme to
be laid
before both
Houses of
Parliament.

24. Every Scheme and every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid

or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or the rule or both Houses agree that the Scheme or the rule should not be made, the Scheme or the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme or the rule.

THE SCHEDULE

[See sections 2 and 7(1)]

Description of injury	Percentage of disablement
<i>Upper Limb</i>	
Loss of both hands or of all fingers and thumbs	100
Amputation of Right arm through shoulder	90
Amputation of Left arm through shoulder	90
Amputation below shoulder stump exceeding 6 inches from tip of acromion (Right)	80
Amputation below shoulder stump not exceeding 6 inches (Right)	90
Amputation below shoulder stump not exceeding 6 inches (Left)	80
Amputation below shoulder from tip of acromion stump exceeding 6 inches (Left)	70
Amputation through elbow or below elbow with stump not exceeding 5 inches (Right)	80
Amputation through elbow or below elbow with stump not exceeding 5 inches (Left)	70
Amputation below elbow stump exceeding 5 inches (Right)	70
Amputation below elbow stump exceeding 5 inches (Left)	50
Loss of thumb (Right)	50

Description of injury	Percentage of disablement
Loss of thumb (Left)	40
Loss of 4 fingers (Right)	50
Loss of 4 fingers (Left)	40
Loss of 2 fingers on either hand	20

Lower Limb

Loss of 2 or more limbs	100
Amputation of both feet	100
Amputation of one leg at hip or below hip with stump not exceeding 5 inches	90
Lisfranc's Operation both feet	80
Amputation below hip with stump exceeding 5 inches	80
Amputation through both feet proximal to the metatarso-phalangeal joint	80
Loss of all toes of both feet through the metatarso-phalangeal joint	40
Loss of all toes of both feet proximal to the proximal inter-phalangeal joints	30
Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
Amputation of leg below middle thigh through knee or below knee with stump not exceeding 4 inches	70
Amputation of leg below knee with stump exceeding 4 inches	60
Lisfranc's amputation of one foot	40
Amputation through one foot proximal to the metatarso-phalangeal joint	30
Loss of all toes of one foot proximal to the proximal inter-phalangeal joint including amputations through the metatarso-phalangeal joint	20

Description of injury	Percentage of disablement
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Other Specific injury

Loss of hand and foot	100
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Other disablements

Very severe facial disfigurement	100
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Total loss of speech	70
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Limited restriction of movement of joint through injury without penetration, or limited function of limb through fracture, or compound fracture of thumb or 2 or more fingers of either hand with impaired function	20
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Ankyloses in optimum position, i.e., the position of greatest usefulness

	Right	Left
<i>Arm</i>		
Shoulder	40%	30%
Elbow	40%	30%
Wrist	30%	20%
<i>Leg</i>		
Hip		60%
Knee		40%
Ankle		30%

Defective vision

Loss of sight	100%
Loss of one eye without complications, the other eye being normal	40%
Loss of vision of one eye with complications or disfigurement, the other eye being normal	40%
Loss of vision of one eye without complications or disfigurement, the other eye being normal	30%

Other degree of defective vision

	When best obtainable acuity is in		Assessment Per cent.		When one eye removed—best obtainable acuity in remaining eye, with or without glasses is	Assessment Per cent.
	One eye	The other				
1.	6/6 or	6/24 6/36 }	15·19	1.	6/6 }	40
2.	6/9 or	6/60 3/60 }	20	2.	6/9 }	
				3.	6/12 }	
3.	6/12	Nil	30	4.	6/18	50
4.	6/18	6/18	15·19	5.	6/24	70
5.	6/18	6/24	30	6.	6/36	80
6.	6/18	6/36 }	40	7.	6/60 }	90
7.	6/18	6/60 }		8.	3/60 }	
8.	6/18	6/60 }				
9.	6/18	Nil	50			
10.	6/24	6/24	30	9.	Nil	100
11.	6/24	6/36	40			
12.	6/24	6/60 }	50			
13.	6/24	3/60 }				
14.	6/24	Nil	70			
15.	6/36	6/36	50			
16.	6/36	6/60 }	60			
17.	6/36	3/60 }				
18.	6/36	Nil	80			
19.	6/60	6/60 }	80			
20.	6/60	3/60 }				
21.	6/60	Nil	90			
22.	3/60	3/60	80			
23.	5/60	Nil	90			
24.	Nil	Nil	100			

Defective hearing

Assessment should be based on the Grade attained using both ears together; the percentage assessment appropriate to the Grade thus attained is given in the last column.

Grade of hearing attained		Assessment of both ears used together
1	Total Deafness	80%
2	Shout not beyond 3 feet	70%
3	Conversational voice not over 1 foot	60%
4	Conversational voice not over 3 feet	40%
5	Conversational voice not over 6 feet	20%
6	Conversational voice not over 9 feet—	
	(a) one ear totally deaf	20%
	(b) otherwise Less than	20%

A case in which the right ear attained grade 4, the left ear grade 2 and both ears together grade 3 should, therefore, be recorded thus:

R. 4 L2 R plus L3 Assessment 60 per cent.

The assessment given above take into account minor ailments such as headache, vertigo tinnitus, sleeplessness, etc., which generally accompany deafness.

S. P. SEN-VARMA,
Special Secy. to the Govt. of India.

